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FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			TRUONG, CAM Y T	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,863

Applicant(s)

MINDRUM, G. SCOTT

Examiner

Cam Y T. Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/17/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26, 28-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26 and 28-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/17/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant has amended claims 21 and 43 in the amendment filed on 11/17/2005. Claims 21-26, 28-43 are pending in this Office Action.

Response to Arguments

2. Applicant's arguments filed 11/17/2005 have been fully considered but they are not persuasive.

Applicant argued that the combination of references does not teach all of the claimed limitations of each claim; fails to render the present claims obvious; fails to suggest motivation to modify the teachings of the references; fails teach such as a seal".

In response to applicant's argument the combination of references does not teach all of the claimed limitations of claims,

As to claim 21, Manross teaches the claimed limitations:

"a concrete memorial for a deceased person, the concrete memorial comprising discernable information including the name of deceased person" as a headstone for a deceased person, the headstone includes the name of deceased person (fig. 2);

"a identifier on or near the concrete memorial for the deceased person" as last name as an identifier on the headstone for the deceased person (fig. 2).

Manross does not explicitly teach the claimed limitation "an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having information related to the deceased person; the identifier indicating to

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people visiting the concrete memorial that information related to the deceased person may be found on the on-line registry service”.

Legacy teaches the claimed limitations:

“an on-line registry service accessible over the Internet” as memorial submission forms indicates an on-line registry service accessible over the Internet (page 3, lines 16-27); .

“ the on-line registry service comprising one or more web pages having information related to the deceased person” as the Legacy service has one web page having information related to the deceased person (page 4).

“the identifier indicating to people visiting the tangible memorial that information related to the deceased person may be found on the on-line registry service” as the last name as a identifier indicating to people visiting the deceased person may be found on the on-line registry Legacy service (pages 1&4).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy’s teaching of memorial submission forms indicates an on-line registry service accessible over the Internet; the Legacy service has one web page having information related to the deceased person; the last name as a identifier indicating to people visiting the deceased person may be found on the on-line registry Legacy service to Manross’s system in order to allow users to visit a deceased person via Internet system efficiently and know history of deceased person quickly.

As to claims 36, Manross teaches a method for memorializing a deceased person, the deceased person having a physical memorial comprising at least the deceased person's name (fig. 3):

“visually indicating, on or near the physical memorial for the deceased person” as (fig. 3);

“storing the information relating to the deceased person on a computer system” as (figs. 1A-1B);

“retrieving the stored information relating to the deceased person” as (figs. 1A-1B);

“providing by the subscriber information relating to the deceased person” as displaying histories of deceased persons (figs. 3, 1A&1B).

Manross does not explicitly teach the claimed limitations:

“establishing a subscription for an on-line registry service with a subscriber, the subscription being associated with the deceased person; that the on-line registry service is associated with the deceased person; providing to one or more visitors access over the Internet to the on-line registry service; displaying to the visitor or the subscriber on one or more web pages at least a portion of the information relating to the deceased person”.

Legacy teaches the claimed limitations:

“establishing a subscription for an on-line registry service with a subscriber, the subscription being associated with the deceased person” as establishing a payment for

an on-line registry service with a subscriber, this payment is associated with the deceased person (page 3);

“that the on-line registry service is associated with the deceased person” as service is associated with deceased person (pages 1-4);

“providing to one or more visitors access over the Internet to the on-line registry service” as providing a user access over the Internet to the on-line registry service (page 3);

“displaying to the visitor or the subscriber on one or more web pages at least a portion of the information relating to the deceased person” as displaying name and picture of deceased person on a web page (fig. 4).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy’s teaching of establishing a payment for an on-line registry service with a subscriber, this payment is associated with the deceased person, service is associated with deceased person, providing a user access over the Internet to the on-line registry service system, displaying name and picture of deceased person on a web page in order to allow any user to access the history of deceased persons quickly via Internet system.

As to claim 43, Manross teaches the claimed limitations:

“a concrete memorial for a deceased person, the concrete memorial comprising discernable information including the name of the deceased person” as (fig. 3);

“wherein the concrete memorial is positioned in a cemetery; seal on or near the concrete memorial for said deceased person” as (col. 3, lines 15-45).

Manross does not explicitly teach the claimed limitations:

“an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having images and biographical data related to a plurality of deceased persons; said plurality of deceased persons including said deceased person, wherein the on-line register service can be searched based on at least part of the discernable information; the seal indicating to people visiting the concrete memorial in the cemetery that information related to said deceased person may be found on the on-line registry service”.

Legacy teaches the claimed limitations:

“an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having images and biographical data related to a plurality of deceased persons” as (pages 3-4);

“said plurality of deceased persons including said deceased person, wherein the on-line register service can be searched based on at least part of the discernable information” as (pages 1-4).

“the seal indicating to people visiting the concrete memorial in the cemetery that information related to said deceased person may be found on the on-line registry service” as user name indicates the people visiting deceased person that may be found on the service (figs. 1&4).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy's teaching of memorial submission forms indicates an on-line registry service accessible over the Internet; the Legacy service has one web page having information related to the deceased person; the last name as a identifier indicating to people visiting the deceased person may be found on the on-line registry Legacy service to Manross's system in order to allow users to visit a deceased person via Internet system conveniently know history of deceased person quickly.

In response to applicant's argument, the combination "fails to render the present claims obvious; fails to suggest motivation to modify the teachings of the references", the examiner respectfully submits that to establish a prima facie case of obviousness under 35 USC 103, references must provide motivation or suggestion either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art; must be analogous; and must teach all the claimed limitations.

In this case, the instant application is concerned to a registry system for deceased persons.

As discussed in the office action, Manross is related to a system for searching or retrieving the deceased person by using name of deceased person as an identifier (fig. 2).

Similarly, Legacy teaches a registry system for deceased person (page 3, lines 16-27);

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Importantly, Legacy teaches establishing a payment for an on-line registry service with a subscriber, this payment is associated with the deceased person ; displaying name and picture of deceased person on a web page to provide any user access to profile of deceased person over the Internet to the on-line registry service (pages 3-4).

As discussed above, a person of an ordinary skill in the art at the time the invention was made would recognize the advantage of Legacy to add Legacy's teaching of establishing a payment for an on-line registry service with a subscriber, this payment is associated with the deceased person, service is associated with deceased person, providing a user access over the Internet to the on-line registry service system, displaying name and picture of deceased person on a web page in order to allow any user to access the history of deceased persons quickly via Internet system.

Therefore, the 103 rejection for claims 3 and 11 is proper and make the record clear.

In response to applicant's argument, the combination fails teach such as a seal. Legacy teaches as user name indicates the people visiting deceased person that may be found on the service. The user name is represented as a seal (figs. 1&4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 22, 28-37, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable Manross, Jr (US 6414663) over Legacy. Com, 1999 (or hereinafter "Legacy").

As to claim 21, Manross teaches the claimed limitations:

"a concrete memorial for a deceased person, the concrete memorial comprising discernable information including the name of deceased person" as a headstone for a deceased person, the headstone includes the name of deceased person (fig. 2);

"a identifier on or near the concrete memorial for the deceased person" as last name as an identifier on the headstone for the deceased person (fig. 2).

Manross does not explicitly teach the claimed limitation "an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having information related to the deceased person; the identifier indicating to people visiting the concrete memorial that information related to the deceased person may be found on the on-line registry service".

Legacy teaches the claimed limitations:

“an on-line registry service accessible over the Internet” as memorial submission forms indicates an on-line registry service accessible over the Internet (page 3, lines 16-27);

“ the on-line registry service comprising one or more web pages having information related to the deceased person” as the Legacy service has one web page having information related to the deceased person (page 4).

“the identifier indicating to people visiting the tangible memorial that information related to the deceased person may be found on the on-line registry service” as the last name as a identifier indicating to people visiting the deceased person may be found on the on-line registry Legacy service (pages 1&4).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy’s teaching of memorial submission forms indicates an on-line registry service accessible over the Internet; the Legacy service has one web page having information related to the deceased person; the last name as a identifier indicating to people visiting the deceased person may be found on the on-line registry Legacy service to Manross’s system in order to allow users to visit a deceased person via Internet system efficiently and know history of deceased person quickly.

As to claims 22, Manross teaches the claimed limitation “wherein the tangible memorial is a headstone” as a headstone for John Kent. John Kent is a deceased person (fig. 2).

As to claim 28, Manross teaches the claimed limitation “wherein the tangible memorial is positioned in a cemetery” as gravestone is positioned in a cemetery (fig. 2, col. 3, lines 15-45).

As to claim 29, Manross does not explicitly teach the claimed limitation “being further adapted for use with deceased animals”. However, Manross teaches a headstone for John Kent that is name of deceased person (fig. 2).

It would have been obvious to a person of skill in the art at the time the invention was made to apply Manross’s teaching of a headstone for John Kent that is name of deceased person in order to allow users to visit the individual’s life history or deceased persons easily.

As to claim 30, Manross teaches the claimed limitation “information on a plurality of deceased persons” as (fig. 5).

As to claim 31, Manross and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation “wherein the on-line registry service can be searched based on at least part of the discernable information” as (page 1).

As to claim 32, Manross and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation “wherein the on-line

registry service is operative to allow visitors to provide information related to a deceased person available on the on-line registry service” as (pages 1-4).

As to claim 33, Manross and Legacy disclose the claimed limitation subject matter in claim 21, Legacy further teach the claimed limitation “wherein the subscription service is a subscription service” as (pages 1-2).

As to claim 34, Manross and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation “wherein the subscription service is a periodic fee-based subscription” as fee-based subscription (page 3).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy's teaching of fee-based subscription to Manross's system in order to maintain funeral services on Internet system.

As to claim 35, Manross and Legacy disclose the claimed limitation subject matter in claim 21, Legacy further teaches the claimed limitation “wherein the information on the one or more web pages comprises images and biographical data related to the deceased person” as (pages 1- 4).

As to claims 36, Manross teaches a method for memorializing a deceased person, the deceased person having a physical memorial comprising at least the deceased person's name (fig. 3):

“visually indicating, on or near the physical memorial for the deceased person” as (fig. 3);

“storing the information relating to the deceased person on a computer system” as (figs. 1A-1B);

“retrieving the stored information relating to the deceased person” as (figs. 1A-1B);

“providing by the subscriber information relating to the deceased person” as displaying histories of deceased persons (figs. 3, 1A&1B).

Manross does not explicitly teach the claimed limitations:

“establishing a subscription for an on-line registry service with a subscriber, the subscription being associated with the deceased person; that the on-line registry service is associated with the deceased person; providing to one or more visitors access over the Internet to the on-line registry service; displaying to the visitor or the subscriber on one or more web pages at least a portion of the information relating to the deceased person”.

Legacy teaches the claimed limitations:

“establishing a subscription for an on-line registry service with a subscriber, the subscription being associated with the deceased person” as establishing a payment for

an on-line registry service with a subscriber, this payment is associated with the deceased person (page 3);

“that the on-line registry service is associated with the deceased person” as service is associated with deceased person (pages 1-4);

“providing to one or more visitors access over the Internet to the on-line registry service” as providing a user access over the Internet to the on-line registry service (page 3);

“displaying to the visitor or the subscriber on one or more web pages at least a portion of the information relating to the deceased person” as displaying name and picture of deceased person on a web page (fig. 4).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy’s teaching of establishing a payment for an on-line registry service with a subscriber, this payment is associated with the deceased person, service is associated with deceased person, providing a user access over the Internet to the on-line registry service system, displaying name and picture of deceased person on a web page in order to allow any user to access the history of deceased persons quickly via Internet system.

As to claim 37, Manross and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation “submitting by visitors information relating to the deceased person to the on-line registry service” as (page 4).

As to claim 40, Manross teaches the claimed limitation "positioning an identifier on or near the tangible memorial" as (fig. 3).

As to claim 41, Manross teaches the claimed limitation "performed sequentially" as (figs. 1A-1B).

As to claim 42, Manross teaches the claimed limitation "wherein the steps are performed sequential as listed" as (figs. 1A-1B).

As to claim 43, Manross teaches the claimed limitations:

"a concrete memorial for a deceased person, the concrete memorial comprising discernable information including the name of the deceased person" as (fig. 3);

"wherein the concrete memorial is positioned in a cemetery; seal on or near the concrete memorial for said deceased person" as (col. 3, lines 15-45).

Manross does not explicitly teach the claimed limitations:

"an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having images and biographical data related to a plurality of deceased persons; said plurality of deceased persons including said deceased person, wherein the on-line register service can be searched based on at least part of the discernable information; the seal indicating to people visiting the concrete memorial in the cemetery that information related to said deceased person may be found on the on-line registry service".

Legacy teaches the claimed limitations:

“an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having images and biographical data related to a plurality of deceased persons” as (pages 3-4);

“said plurality of deceased persons including said deceased person, wherein the on-line register service can be searched based on at least part of the discernable information” as (pages 1-4).

“the seal indicating to people visiting the concrete memorial in the cemetery that information related to said deceased person may be found on the on-line registry service” as user name indicates the people visiting deceased person that may be found on the service (figs. 1&4).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy's teaching of memorial submission forms indicates an on-line registry service accessible over the Internet; the Legacy service has one web page having information related to the deceased person; the last name as a identifier indicating to people visiting the deceased person may be found on the on-line registry Legacy service to Manross's system in order to allow users to visit a deceased person via Internet system conveniently know history of deceased person quickly.

5. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable Manross, Jr (US 6414663) over Legacy. Com, 1999 (or hereinafter “Legacy” and Peercy et al (or hereinafter “Peercy”) (US 5960429).

As to claim 23, Manross and Legacy disclose the claimed limitation subject except the claimed limitation "wherein the identifier is a string". Percy teaches a string (fig. 2).

It would have been obvious to a person of an ordinary skill in the art the time the invention was made to apply Percy's teaching of an URL is associated with a name to Manross and Legacy to users visiting each Forum that contains information related to users such as bibliographic data, article may be found on the on-line register service to allow users to visit the individual's life history or deceased persons easily.

As to claim 24, Manross, Legacy and Percy disclose the claimed limitation subject matter in claim 23, Percy further teaches the claimed limitation "wherein the identifier is a URL" as URL (fig.2).

As to claim 25, Manross discloses the claimed limitation subject matter in claim 21, except the claimed limitation "the identifier is a seal". Percy teaches accessing a web page uses a URL. Thus, a URL is represented as a seal (fig. 2, col. 2, lines 42-50).

As to claim 26, Manross and Legacy disclose the claimed limitation subject except the claimed limitation "the identifier is a mark". Percy teaches a URL, which is a mark, is represented as the identifier (col. 7, lines 50-55).

6. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manross in view of Legacy. Com, 1999 (or hereinafter "Legacy and further in view of Bergh et al (or hereinafter "Bergh") (US 6112186).

As to claim 38, Manross and Legacy disclose the claimed limitation subject matter in claim 37, except the claimed limitation "the step of collecting a subscription fee at least one time from the subscriber". Bergh teaches that paying on a periodic basis indicates collecting a subscription fee at least one time from the subscriber (col. 32, lines 62-67; col. 33, lines 10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bergh's teaching of paying on a periodic basis to Legacy's system and Manross's system in order to save time for collecting a bill about registration for deceased persons from subscribers.

As to claim 39, Legacy and Manross disclose the claimed limitation subject matter in claim 37, except the claimed limitation "wherein a fee is collected on a periodic basis" as (col. 2, lines 60-65). Bergh teaches that paying on a periodic basis indicates collecting a subscription fee at least one time from the subscriber (col. 32, lines 62-67; col. 33, lines 10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bergh's teaching of paying on a periodic basis to

Legacy's system and Manross's system in order to save time for collecting a bill about registration for deceased persons from subscribers.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

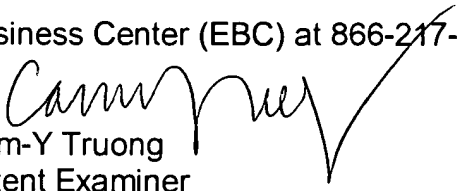
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cam-Y Truong
Patent Examiner
Art Unit 2162
1/31/2006